

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION SIX**

UPMC and its Subsidiary, UPMC Presbyterian  
Shadyside, Single Employer,  
d/b/a UPMC Presbyterian Hospital and d/b/a  
UPMC Shadyside Hospital

and

SEIU Healthcare Pennsylvania, CTW, CLC

Cases 06-CA-102465, 06-CA-102494,  
06-CA-102516, 06-CA-102518, 06-  
CA-102525, 06-CA-102534, 06-CA-  
102540, 06-CA-102542, 06-CA-  
102544, 06-CA-102555, 06-CA-  
102559, 06-CA-102566, 06-CA-  
104090, 06-CA-104104, 06-CA-  
106636, 06-CA-107127, 06-CA-  
107431, 06-CA-107532, 06-CA-  
108547, 06-CA-111578, 06-CA-115826

**CHARGING PARTY'S EXCEPTIONS TO  
ALJ'S DECISION OF JULY 31, 2015**

Charging Party SEIU Healthcare Pennsylvania (SEIU or Union) takes the following exceptions to the portions of the Supplemental Decision of the Administrative law Judge (ALJ) Mark Carissimi issued on July 31, 2015 (JD-43-15) and further joins in the exceptions filed by the General Counsel :

	<b>Exception</b>	<b>Pages</b>	<b>Lines</b>	<b>Basis for Exception</b>
1	Questions of law related to the ALJ's conclusion that it would not effectuate the policies of the Act to litigate the single employer issue and determine whether UPMC and Presbyterian Shadyside constitute a single employer.	3 4 7 8 9	3:37-39 4:10-15 7:8-11 8:30-35 9:6-9	The ALJ erred as a matter of law in concluding that it would not effectuate the policies of the Act to litigate the single employer issue and determine whether UPMC and Presbyterian Shadyside constitute a single employer. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.
2	Questions of law related to the ALJ's conclusion that it was appropriate to dismiss the single employer allegations in the complaint, and order that	4 8 9	4:1-8 4:31-34 8:30-35 8:40-43 9:1-9	The ALJ erred as a matter of law in concluding that it was appropriate to dismiss the single employer allegations. These reasons are set forth more fully in Charging Party's

	<b>Exception</b>	<b>Pages</b>	<b>Lines</b>	<b>Basis for Exception</b>
	UPMC ensure that Presbyterian Shadyside complies with any Board-ordered remedy.			Brief in Support of Exceptions.
3	Questions of law related to the propriety of accepting UPMC's offer to serve as guarantor and ensure that Presbyterian Shadyside complies with any Board-ordered remedies in resolution of the single employer allegations.	4 7 8	4:2-4 4:31-34 4:33-36 7:13-15 8:30-35	The ALJ erred as a matter of law in concluding that UPMC's offer to serve as guarantor of Presbyterian Shadyside's obligations to comply with any Board-ordered remedy was an appropriate resolution of the single employer allegations. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.
4	Questions of law related to the ALJ's conclusion that accepting UPMC's offer to "guarantee" any Board-ordered remedy against Presbyterian Shadyside is as effective a remedy as a determination that UPMC and Presbyterian Shadyside are a single employer and thus share joint and several liability.	3 4 5	3:39 1-2 5:15-24 5:28-30	The ALJ erred as a matter of law in concluding that an order that UPMC "guarantee" any Board-ordered remedy against Presbyterian Shadyside is as effective a remedy as a determination that UPMC and Presbyterian Shadyside are a single employer and thus share joint and several liability. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.
5	Questions of law related to the ALJ's conclusion that he was not bound by the Board's February 7, 2014 Order.	5-6	5:31-40 6:1-17	The ALJ erred as a matter of law in concluding that "changed circumstances" justified contravening the Board's February 7, 2014 Order on the same issue as raised in UPMC's Partial Motion to Dismiss. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.
6	Questions of law related to the ALJ's conclusion that the General Counsel did not possess unreviewable discretion regarding the disposition of the single employer allegations.	6	6:19-39	The ALJ erred as a matter of law in finding that the General Counsel did not possess unreviewable discretion as to the pre-hearing disposition of the single employer allegations. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.

	<b>Exception</b>	<b>Pages</b>	<b>Lines</b>	<b>Basis for Exception</b>
7	Questions of law related to the ALJ's conclusion that he had "jurisdiction" to rule on UPMC's partial motion to dismiss in the absence of any pertinent record evidence.	2 6	2:46-48 6:41-46	The ALJ erred as a matter of law in concluding that he could rule on UPMC's partial motion to dismiss in the absence of any pertinent record evidence. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.
8	Questions of law related to the ALJ's implicit conclusion that this case is distinguishable from <i>Three Sisters</i> because it does not present a "possibility of remedial failure."	8	8:8-28	The ALJ erred as a matter of law related to the ALJ's analysis of <i>Three Sisters</i> and his implicit conclusion that this case does not present a possibility of remedial failure. These reasons are set forth more fully in Charging Party's Brief in Support of Exceptions.

Dated: September 18, 2015

Respectfully submitted,

/s/ Betty Grdina

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Charging Party's Exceptions in the above captioned case has been served by email on the following persons on this 18th day of September 2015:

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